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Letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 28 November 2008, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

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Annex to the letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made to the Third Committee at the sixty-third session of the General Assembly on agenda item 64 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", by Mr. Minas A. Hadjimichael, Representative of the Greek Cypriot Administration of Southern Cyprus in New York. Since the Greek Cypriot side is habitually utilizing every opportunity to distort facts pertaining to the question of Cyprus in every international forum where the Turkish Cypriot side is denied lawful representation, I am compelled to respond, once again, in writing in order to put the record straight.

Throughout the many years following the Greek Cypriot destruction of the 1960 partnership Republic of Cyprus, the Greek Cypriot side has managed to misinform the international community and to portray the Cyprus problem as one of "invasion" and "occupation", while disguising the torment and unjust isolation inflicted on the Turkish Cypriot people. The restrictions imposed by the Greek Cypriot side violating the basic human rights of Turkish Cypriots in various fields, such as the rights to freely trade and travel, participate in worldwide sports, cultural events and educational schemes, such as the Bologna Process, are continuing and efforts to rectify this situation by various parties are still impeded by the Greek Cypriot side.

None of the United Nations resolutions to which reference is made in the above-mentioned statement describes the legitimate and justified Turkish intervention of 1974, undertaken in accordance with the Treaty of Guarantee of 1960, as "aggression" or "invasion", or the subsequent presence of Turkish troops on the island as "occupation". Such distortions are purely a Greek Cypriot invention aimed at blurring the issue and confusing the innocent with the guilty. On this point, I would only like to recall the dramatic statement made by Archbishop Makarios, the Greek Cypriot leader at the time, before the Security Council on 19 July 1974 (see S/PV.1780), in which he openly accused Greece, not Turkey, of invading and occupying Cyprus. His remarks, which came only four days after the Greek coup of 15 July 1974, are well recorded in the annals of the United Nations and hardly require further elaboration.

The years from 1963 to 1974, which the Greek Cypriot Representative intentionally chooses not to mention, were a period in which the Greek Cypriots, aided and abetted by Greece, practised ethnic cleansing, terrorism and tyranny against the Turkish Cypriots, all in the name of enosis (annexation of the island to Greece). The atrocities committed by the Greek Cypriots during that period drew comments from the international news media, such as *The Washington Post*, which reported in its issue of 17 February 1964 that "Greek Cypriot fanatics appear bent on a policy of genocide"; from prominent statesmen like George Ball, the United States Under-Secretary of State at the time, who wrote in his memoirs, entitled *The Past Has Another Pattern* (p. 64), that "Makarios's central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots"; and from the United Nations Secretary-General himself, who, in his report to the Security Council of 10 September 1964, stated that the Turkish Cypriots were living under "veritable siege" (see S/5950, para. 222).

The attempt by Greek Cypriot officials to brush aside the 11-year-long ordeal of the Turkish Cypriots is, to say the least, outrageous. It shows their total insincerity and refusal to show any sign of remorse or an attitude conducive to reconciliation.

As you would recall, the most recent effort, namely the Annan Plan, failed yet again as a result of the Greek Cypriot rejection. The Plan was submitted for the approval of the two sides through separate referendums on 24 April 2004. Despite the significant sacrifices it entailed for the Turkish Cypriot side, the Turkish Cypriot people approved the Plan by 65 per cent of the vote, whereas 76 per cent of the Greek Cypriot people overwhelmingly rejected the Plan in line with the call made by the then Greek Cypriot leader, Tassos Papadopoulos, in a television address on 7 April 2004, in which he demanded a "resounding no" from the Greek Cypriots. Consequently, the Greek Cypriot side, which voted against a solution, joined the European Union on behalf of the whole of Cyprus, and the Turkish Cypriot side, which voted for a settlement, not only remained outside EU but continues to be subjected to isolation and restrictions. In fact, the former Secretary-General of the United Nations, in his report to the Security Council of 28 May 2004 (S/2004/437, para. 90), pointed to this injustice and declared that the Turkish Cypriot "vote has undone whatever rationale might have existed for pressuring and isolating them".

In spite of the fact that the Annan Plan provided the Greek Cypriot people with concrete advantages at the expense of the Turkish Cypriots, the Greek Cypriot Administration, which chose to categorically reject the Plan, still has the audacity to complain about the so-called "violation of human rights concerning the property issue", the "Turkish military presence on the island" and other matters. In this regard the Secretary-General's observation is important:

> "The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades — including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of 'settlers' — have been forgone."
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> (Secretary-General's report of 28 May 2004, S/2004/437, para. 83)

Contrary to the Greek Cypriot Representative's allegations, the history of human rights violations in Cyprus goes back a long time. Parallel to that, the issue of "refugees" or displaced persons came about when one fourth of the Turkish Cypriot population was rendered homeless as from December 1963, when they had to flee for their lives as a result of the Greek Cypriot onslaught. It is true that many Turkish Cypriots as well as Greek Cypriots were displaced in 1974 as a result of the Greek coup d'etat and its aftermath. It is equally true, however, that the question of displaced persons was settled through the Voluntary Exchange of Populations Agreement reached between the two sides at the third round of talks, held at Vienna in 1975. The Agreement was implemented under the supervision of the United Nations Peacekeeping Force in Cyprus.

With respect to the so-called "enclaves" in the Turkish Republic of Northern Cyprus, I wish to recall that the term "enclaved" was first used by the Secretary-General of the United Nations to describe the plight of the Turkish Cypriots between

1963 and 1974, who had been squeezed by the Greek Cypriots into small pockets scattered around the island. The total area of the Turkish Cypriot enclaves was a mere 3 per cent of the territory of the island. Since 1974, the Greek Cypriot side has attempted to hijack this term to misrepresent the living conditions of the Greek Cypriots and Maronites residing in the Turkish Republic of Northern Cyprus, for purely propaganda purposes.

One should note that the Greek Cypriots and Maronites enjoy the same, if not better, standard of living as the Turkish Cypriots of the same area. This has been confirmed in your predecessor's report of 10 June 1998 to the Security Council (S/1998/488, para. 22), wherein it is stated that "the standard of living of Greek Cypriots on the Karpas Peninsula does not differ significantly from that of Turkish Cypriots living in the same area".

The policy followed by the Greek Cypriot side since 1963 with regard to the issue of missing persons in Cyprus has been all too often politically motivated and, unfortunately, devoid of humanitarian considerations.

Until the events of 1974, the Greek Cypriot side maintained that no problem of missing persons existed in Cyprus, even though the list of Turkish Cypriots reported by their families as missing have been traced in the Greek Cypriot police records for 1964. Between the years of 1963-1974, around 502 Turkish Cypriots went missing after being abducted or detained by armed elements of the Greek Cypriot Administration. All of them were innocent civilians, one fourth comprising women and children, who were abducted from their homes, work places, hospitals or roads and who were then murdered and thrown into mass graves. I regret that this humanitarian issue is presented as if it is only affecting the Greek Cypriot side.

As the Greek Cypriot English language daily newspaper, the *Cyprus Mail*, commented in its editorial of 7 November 1999:

> "The deliberate state (Greek Cypriot) policy saw the issue of the missing as a propaganda tool against Turkey — the higher the number the more effective the propaganda was the prevailing view. The black-clad mothers clasping pictures of their loved ones gave added dramatic effect to anti-occupation demonstrations. No one seemed to feel any pressure to try to resolve a single case, with officialdom and the politicians always blaming the uncooperative Turks for the lack of progress. But then it was our side which always used the issue for propaganda purposes, while at the same time maintaining that it was a humanitarian matter.
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> "The sad thing is that everyone — politicians, government bureaucrats, and the press — callously exploited the issue for their own reasons."

The Greek Cypriot strategy of holding Turkey responsible on the issue of missing persons demonstrates the insincerity of the Greek Cypriot side and is indicative of why the Committee on Missing Persons (CMP) has been rendered inactive for many years. The CMP was established in 1981 by the United Nations as a tripartite committee composed of a Turkish Cypriot, a Greek Cypriot and a third member appointed by the United Nations Secretary-General, to address this humanitarian problem. As such, it must be evident that Turkey is not a party to the issue of missing persons in Cyprus, but fully supports the work of the CMP as it equally desires the resolution of this humanitarian issue.

It should be stressed that the resumption of the activities of the CMP in August 2004 came about as a result of the constructive initiative of the Turkish Cypriot side. Furthermore, I would like to remind you that considerable progress has been achieved ever since the reactivation of the Committee. In this context, requests to provide information on the missing persons of both sides have been published in the Turkish Cypriot and the Greek Cypriot newspapers; the CMP itself set the objective of bringing to a closure, as soon as possible, the remaining investigative work on both sides on the basis of an agreed and comprehensive timetable; new burial sites have since been and continue to be identified; excavations have been conducted on both the Turkish Cypriot and the Greek Cypriot sides; an anthropological laboratory was established in the buffer zone for the analysis of the recovered remains; the recovered remains have also been put through a DNA identification process; the process of return of the remains of the Turkish Cypriot and the Greek Cypriot missing persons started in the second quarter of 2007 and to date 412 individuals have been exhumed from different burial sites located across the island.

While the Security Council welcomes, in its resolution 1818 (2008) of 13 June 2008, "the progress and continuation of the important activities of the Committee on Missing Persons; expressing the hope that this process will promote reconciliation between the communities", insistence by the Greek/Greek Cypriot duo that this issue cannot be merely settled within the scope of the CMP shows their insincerity and the fact that their aim in reality is to politicize this humanitarian issue.

One of the most fundamental issues in the Cyprus question is the property issue. The property issue in Cyprus did not come about in 1974 but first arose in 1963, when the Turkish Cypriots were forced to abandon their homes at gunpoint and took refuge in what came to be known as "Turkish Cypriot enclaves". It should be stressed that it is not only the Greek Cypriots who left immovable property in the North but also the Turkish Cypriots who had to abandon a considerable amount of property in the South as well, most of which was confiscated by the Greek Cypriot Administration, leaving no possibility for restitution and/or compensation for the Turkish Cypriots for the use and enjoyment of their properties. Instead of seeking to resolve the issue with the Turkish Cypriot side in accordance with established parameters, the Greek Cypriot side has over the years encouraged recourse to the European Court of Human Rights in a bid to carry the issue to the European platform. As in the case of *Apostolides v. Orams*, the Greek Cypriot side's unilateral accession to the European Union has presented it with the opportunity to further complicating the issue of property rights by encouraging recourse to courts in the South against those buying or selling property in the North. Given the fact that the Greek Cypriot side does not have jurisdiction over the Turkish Cypriot side, it is clear that judgements issued by the Greek Cypriot courts cannot be executed in the North.

In the absence of cooperation from the Greek Cypriot side, since June 2003 the Turkish Cypriot side has been taking unilateral steps aimed at providing domestic legal remedies to the concerned parties. In this connection, taking into account the admissibility decision of the European Court of Human Rights of 14 March 2005 and its judgement of 22 December 2005 on the merits of the *Xenides-Arestis v. Turkey* application, the law entitled "Law for the Compensation, Exchange and Restitution of Immovable Properties (Law No. 67/2005)" was enacted in North Cyprus in December 2005. This law envisages compensation, exchange and restitution for movable and immovable properties located within the boundaries of

the Turkish Republic of Northern Cyprus which were possessed by the Greek Cypriots before 1974 and were abandoned thereafter. In accordance with this legislation, the Immovable Property Commission (IPC) was established on 22 March 2006, the mechanism of which is entirely based on the comprehensive guidelines suggested by the European Court of Human Rights. The Commission, which comprises seven members, two of whom are internationally renowned personalities of non-Turkish descent, has the status of a court and its decisions are binding and implemented just as the decisions of the judiciary.

It must be noted in this context that the reaction of the Greek Cypriot Administration to the establishment of the IPC has not been encouraging; it has threatened to take legal action against potential applicants. Sadly, the Greek Cypriot authorities are attempting to undermine an effective legal instrument which conforms fully to relevant international norms. Most recently, in the *Turkey Progress Report* dated 6 November 2007, the European Commission confirmed that the IPC established by the Turkish Cypriot side is a legitimate domestic remedy. Despite the efforts of the Greek Cypriot Administration to discourage its people from applying to the Commission, through such means as disclosing the names of the Greek Cypriot applicants in the press under a list entitled "shame list", the number of the Greek Cypriot applicants has already reached 342 so far and 38 of the cases have been concluded through friendly settlement on the basis of different remedies to date.

The often repeated allegations about the demographic structure in North Cyprus are totally unfounded and are part of the Greek Cypriot propaganda aimed at exploiting this issue for political purposes. It is true that a limited number of immigrant workers arrived from Turkey and also from other countries, as a necessary measure in the face of a labour shortage after 1974. In accordance with the relevant legislation in the TRNC, which is in fact identical to the legislation in South Cyprus and in accordance with established international principles on the matter, some of these people have been granted citizenship after five years of residence.

It hardly needs to be stressed that migration of labour and immigration in general are international phenomena affecting all countries, including North Cyprus. It is only natural that the TRNC, like any other country, should regulate the labour force in accordance with its own economic requirements. It is also important to note that the number of people who have resettled in the North since 1974 is very small compared to the thousands of Greek mainlanders who have been settled in Cyprus over the years since 1963 and the thousands of immigrants, mainly from the Middle East countries, who have come to Southern Cyprus since 1974. In fact, it is the Greek Cypriot side which has always attempted to alter the demographic character of Cyprus, not only by introducing thousands of soldiers and settlers from Greece but also by trying to "cleanse" Cyprus of its ethnic Turkish population.

It is ironic that while accusing the Turkish Cypriot side of changing the demographic structure of the North, at present, the Greek Cypriot Administration continues to admit to South Cyprus tens of thousands of immigrants from other countries, particularly from ex-Soviet republics. It has been reported in the Greek Cypriot press of 16 April 2008 that during a press conference held the previous day the Greek Cypriot Minister of the Interior Neocles Silikiotis had stated that more than 20 per cent of the population in the South were non-Cypriots. (More than

100,000 Greeks, 70,000 Pontus Greeks, 30,000 former Soviet bloc citizens, 15,000 Lebanese and 3,000 Kurds.) The Greek Cypriot daily newspaper *Phileleftheros* of 16 April 2008 reflected the existing situation through the following report: "Demographic Problem in [South] Cyprus — one out of every five residents is non-Cypriot".

Furthermore, on 30 April 2006, a population and housing census was held in the TRNC. In order to ensure the appropriateness of the census to international norms and definitions, it was held in accordance with the recommendations set out in the document entitled "Conference of European Statisticians Recommendations for the 2010 Census of Population and Housing". Prior to the census being conducted, the State Planning Organization of the TRNC briefed all the foreign missions in Cyprus, as well as the EU and the United Nations, about the methodology. Contrary to the distortions of the demographic structure of North Cyprus by the Greek Cypriot Administration concerning the origins of the TRNC citizens, census results clearly reveal that the vast majority of the TRNC citizens are of Turkish Cypriot origin.

As regards the well-known allegation of "destruction of cultural property", I would like to reiterate once again that the protection of cultural heritage is of great importance to the Turkish Cypriot people, and the Turkish Cypriot authorities are doing everything within their limited means for the restoration and preservation of the cultural wealth in the North. No doubt much more could be done with international financial support. It is a sad irony that the Turkish Cypriot people are heavily criticized for not taking sufficient care of the cultural heritage in the North, when international organizations or private bodies entrusted with financial assistance in this field have been prevented by the Greek Cypriot Administration from taking an interest in or providing assistance to the North. The protection of cultural heritage should not be held hostage by the political situation on the island, for which Turkish Cypriots cannot be held responsible. Furthermore, it should be recalled that there are many Turkish-Muslim cultural monuments, including mosques, baths, fountains and cemeteries, in the Greek Cypriot side that are in very bad condition owing to rough handling, negligence and wilful destruction.

It is a pleasing development that one of the technical committees established as part of the current negotiation process in Cyprus is on cultural heritage. As is known, the Turkish Cypriot side and the Greek Cypriot side have agreed to establish a mechanism for the protection and renovation of the cultural heritage on both sides of the island. The two sides are searching for modalities to address this issue, and bringing this mechanism to life as soon as possible surely would not only benefit Turkish Cypriots and Greek Cypriots on the island, but humanity as a whole.

I do not wish to dwell on the latest developments regarding the full-fledged negotiations ongoing under Your Excellency's good-offices mission, the aim of which is to reach a comprehensive settlement of the Cyprus issue on the basis of the United Nations-established parameters and body of work. However, I am obliged to express our disappointment regarding the Greek Cypriot leadership's attempt to alter the existing parameters and prejudge the outcome of a settlement by signing a memorandum and issuing a joint declaration with the United Kingdom and the Russian Federation, respectively. Unfortunately, provocative actions by the Greek Cypriot Administration which call into question their sincerity at the negotiation table continue. A case in point is the seismic research activities conducted due

south-west of the island by foreign companies on behalf of the Greek Cypriot Administration. It must be clear that the unilateral delimitation of maritime jurisdiction areas in the Eastern Mediterranean by the Greek Cypriot Administration is totally unacceptable to the Turkish side. It is an established rule that maritime delimitation in a semi-enclosed sea like the Eastern Mediterranean could only be effected by agreement, with the consent of all parties concerned and by respecting their mutual rights.

In conclusion I would like to reiterate that despite the intransigent stance of the Greek Cypriot side, the Turkish Cypriot side will continue to do its utmost to reach a comprehensive settlement on the Cyprus issue on the basis of the United Nations-established parameters and body of work.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus